UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
David Cornelius, et al.
Application No. 09/766,027
Filed: January 19, 2001
For: VOICE TRAFFIC THROUGH A
FIREWALL

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the "Request for Entry of Attached Copy of Previously Filed Amendment" filed October 3, 2005 which is being treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R.§ 1.181(a). No fee is required.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed August 3, 2004. A Notice of Abandonment has not been mailed.

Petitioner asserts that a proper response was timely filed. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on November 3, 2004.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. §. 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the holding of abandonment is withdrawn.

The petition is **GRANTED.**

The application file will be forwarded TC2600's Technical Support Staff for entry of the reply; thereafter it will be forwarded to the examiner for consideration of the response in appropriate turn.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications